

Patricia Richman

# 1

**From:** Ellen Hollander <Judge\_Ellen\_Hollander@mdd.uscourts.gov>

**Sent:** Tuesday, January 16, 2024 1:15 PM

**To:** Patricia Richman <Patricia\_Richman@fd.org>; drew.tulumello@weil.com; jefferson.m.gray\_usdoj.gov <jefferson.m.gray@usdoj.gov>

**Cc:** Karen Warren <Karen\_Warren@mdd.uscourts.gov>

**Subject:** US v. McComber

Dear Counsel: I just want to verify that the defense has submitted a courtesy copy of the exhibits that are referenced in ECF 359. If you have not done so, please do so tomorrow. If you did, then never mind....

On another note, in ECF 359 and ECF 408, the defense references evidence by identifying the day of the trial, without the corresponding ECF number. All of the transcripts have been filed, to my knowledge, and each one has an ECF number. Going forward, I would appreciate it if you would be sure to include the ECF number when there is one.

The defense asserts in its reply (ECF 408) that the government was "silent" in its submission at ECF 390, in various ways, in regard to the many contentions advanced by the defense in ECF 359. Among other points, the defense claims that the government failed to address the case of *US ex rel. Schutte v. SuperValu, Inc.*, 143 S.Ct. 1391, which the defendant cited in ECF 359. *Schutte* was decided on June 1, 2023, months after the conclusion of the trial. Nonetheless, the government should be prepared to address that case at the Rule 29 hearing next week.

Thanks.

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**Ellen Hollander**

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**From:** Chapla, Claire <Claire.Chapla@weil.com>  
**Sent:** Tuesday, January 16, 2024 2:04 PM  
**To:** Ellen Hollander; Richman, Patricia (FD)  
**Cc:** Karen Warren; Tulumello, Drew; Weeks, Crystal; Katzen, Alli; jefferson.m.gray\_usdoj.gov  
**Subject:** RE: US v. McComber

**CAUTION - EXTERNAL:**

# 3

Judge Hollander:

Our records show that the defense provided a courtesy copy of the 19 spreadsheet exhibits to ECF No. 359, which was delivered on Tuesday, September 26. Please let us know if you did not receive the courtesy copy, and we will be happy to send another one. Also, if you would like a courtesy copy of the trial exhibits cited in ECF No. 359 and ECF No. 408, please let us know and we will be happy to provide those as well.

Best,  
Claire

**Weil**

Claire L. Chapla

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# 2

**From:** Patricia Richman <Patricia\_Richman@fd.org>  
**Sent:** Tuesday, January 16, 2024 1:19 PM  
**To:** Ellen Hollander <Judge\_Ellen\_Hollander@mdd.uscourts.gov>; Tulumello, Drew <Drew.Tulumello@weil.com>; jefferson.m.gray\_usdoj.gov <jefferson.m.gray@usdoj.gov>  
**Cc:** Karen Warren <Karen\_Warren@mdd.uscourts.gov>; Weeks, Crystal <Crystal.Weeks@weil.com>; Chapla, Claire <Claire.Chapla@weil.com>; Katzen, Alli <Alli.Katzen@weil.com>  
**Subject:** RE: US v. McComber

Judge Hollander,

Thank you for this email. I will confirm that a courtesy copy of the exhibits has been submitted—and if not, will send a copy to chambers tomorrow. We will also be sure to cite the docket number for trial transcripts moving forward.

Best-